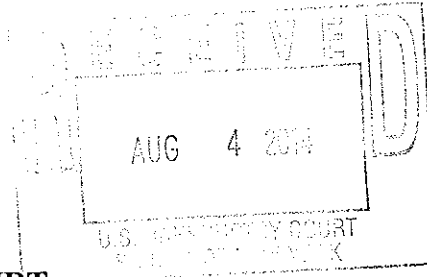


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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re**

**LEHMAN BROTHERS HOLDINGS INC. *et al.*,**

***Debtors.***

**Chapter 11 Case No.**

**08-13555 (SCC)**

**(Jointly Administered)**

**DESIGNATION OF RECORD ON APPEAL AND STATEMENT OF ISSUES  
TO BE PRESENTED PURSUANT TO BANKRUPTCY RULE 8006**

Conway Hospital, Inc. ("Conway"), by and through its attorneys, pursuant to Bankruptcy Rule 8006, hereby (a) designates the record on its appeal from the Bankruptcy Court's Order, entered on July 21, 2014, disallowing Claim No. 68076 as late-filed, and (b) sets forth the statement of issues to be presented on appeal, as follows:

**Designation of Record on Appeal**

1. Order Pursuant to Section 502(b)(9) of the Bankruptcy Code and Bankruptcy Rule 3003(c)(3) Establishing the Deadline for Filing Proofs of Claim, Approving the Form and Manner of Notice Thereof and Approving the Proof of Claim Form [Docket No. 4271; filed July 2, 2009] (the "Bar Date Order");
2. Order Confirming Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings, Inc. and Its Affiliated Debtors [Docket No. 23023; filed December 6, 2011];
3. Three Hundred Twenty-Third Omnibus Objection to Claims (Late-Filed Claims) [Docket No. 29295; filed July 9, 2012];

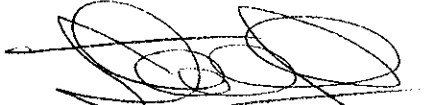
4. Response of Conway Hospital, Inc. to Three Hundred Twenty-Third Omnibus Objection To Claims (Late-Filed Claims) [Docket No. 30091; filed August 9, 2012];
5. Notice of ADR Procedures and Scheduling of Claims Objection Hearing with Respect to Objection to Proof of Claim No. 68076 [Docket No. 43742; filed March 26, 2014];
6. Amended Response of Conway Hospital, Inc. to Three Hundred Twenty-Third Omnibus Objection to Claims (Late-Filed Claims, [Docket No. 44912; filed June 20, 2014];
7. Reply to Response of Conway Hospital, Inc. to Lehman Brothers Holdings Inc.'s Three Hundred Twenty-Third Omnibus Objection to Claims (Late-Filed Claims) [Docket No. 44912; filed July 11, 2014]; and
8. Second Supplemental Order Granting Three Hundred Twenty-Third Omnibus Objection to Claims [Docket No. 45303; filed July 21, 2014].

**Statement of Issues To Be Presented**

1. Whether Conway's claim arose before October 3, 2008, and therefore is subject to the September 22, 2009 bar date established by the Bar Date Order.
2. Whether Conway's claim arose from the rejection of an executory contract.
3. Whether Conway's claim is based on a "derivative contract" as that term is defined by the Bar Date Order.
4. Whether the application of the September 22, 2009 bar date to Conway's claim violates Conway's constitutional rights under the Due Process Clause.

Dated: August 1, 2014

MACAULEY LLC



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**CERTIFICATE OF SERVICE**

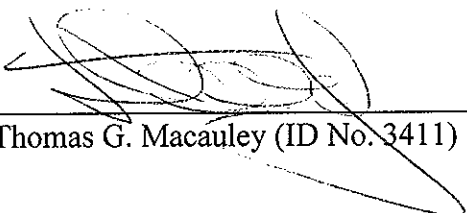
I certify that on August 1, 2014, a true and correct copy of the foregoing was served on the following parties by regular first class mail, postage prepaid.

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